

SM Exhibit H



PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-01	
REPORTING SICK			
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PURPOSE

To notify the Department when a member is unable to perform duty due to illness, injury or any other physical condition.

NOTE

It is not necessary to report sick to request a limited capacity assignment from a district surgeon.

DEFINITION

ADMINISTRATIVE RETURN - a sick excusal for one (1) tour, which does not require a visit to a district surgeon. A request for Administrative Return must be made at least two (2) hours prior to the start of the tour for which the leave will be granted. A uniformed member of the service must report for duty on the next scheduled tour following the administrative excusal. However, if the sickness continues into the next day, the uniformed member of the service may request a second (2nd) Administrative Return at least two (2) hours prior to the next scheduled tour. The first (1st) and second (2nd) Administrative Returns will count as one (1) sick incident. Administrative Return is NOT authorized for:

- a. Injuries
- b. Line of duty injuries or illness
- c. Uniformed member of the service designated Chronic Absent - Category B
- d. Dental problems
- e. Major illness
- f. When, in the judgement of the supervisor, it is inappropriate.

PROCEDURE

When sickness, injury or any other physical condition prevents the performance of duty:

UNIFORMED MEMBER OF THE SERVICE

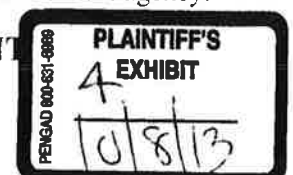
1. Report sick, by telephone, in person, or by competent messenger, at least two (2) hours before the start of a scheduled tour, unless disability occurs during such period, as follows:
 - a. Members assigned to commands under the jurisdiction of the Patrol Services Bureau and the borough Court Section will report sick to supervisory officer at assigned command. If command is closed, report when command reopens, unless immediate medical attention is necessary. In such case report to Medical Division, Sick Desk (718) 760-7600 through 7605.
 - b. Members assigned to other commands report sick directly to Medical Division Sick Desk.

NOTE

If reporting sick within two (2) hours of commencement of tour, notify assigned command before notifying Sick Desk. In all cases the member of the service concerned will immediately, after reporting sick, notify his assigned command and supply the sick serial number. If the command is closed, the member of the service will make notification when command reopens.

2. Have a responsible person make telephone call if unable to call.
3. Inform member to whom reporting sick of any pending arraignment, or scheduled appearance in court, the Trial Room or other government agency.

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- UNIFORMED MEMBER OF THE SERVICE (continued)**
4. Remain at residence or other authorized location unless permission to leave is granted by surgeon or Sick Desk supervisor.
 5. Advise Sick Desk and district surgeon of any change of address/location or telephone number.
 - a. Obtain name of Sick Desk supervisor and time notified.

- SUPERVISOR ACCEPTING SICK REPORT**
6. Make return telephone call to verify that member is at stated location.
 - a. Desk officer/supervisor shall record such verification on **SICK REPORT (PD429-122)**.

NOTE *If member not at stated location, notification of same shall be made to Sick Desk supervisor at (718) 760-7606 for referral to Absence Control Unit.*

7. Notify Medical Division, when:
 - a. Member confined within City requests visit because of urgent need for medical attention OR,
 - b. Member is suspected of malingering.
8. Notify borough Court Section concerned if sick member is unable to appear for pending arraignment.

ADMINISTRATIVE RETURN FROM SICK LEAVE (SEE DEFINITION, PAGE 1):

- DESK OFFICER/ SUPERVISOR, PATROL SERVICES COMMANDS/ BOROUGH COURT SECTION**
9. Offer uniformed member of the service an Administrative Return from sick, in case of minor non-line of duty illness, if qualified.
 - a. Advise member concerned:
 - (1) That each administrative excusal is for one (1) tour.
 - (2) To comply with step 4 for each administrative excusal.

- SUPERVISORY OFFICER, OTHER THAN PATROL SERVICES COMMANDS**
10. Telephone member who has reported sick through the Sick Desk and offer Administrative Return as soon as practicable after receipt of FINEST or telephone message indicating member has reported sick.
 - a. Do not telephone between 2100 and 0900 hours, follow provisions of step six (6).

- SUPERVISOR OFFERING ADMIN. RETURN**
11. Notify Sick Desk that member has accepted Administrative Return.
 12. Indicate on pertinent records that member has accepted Administrative Return.
 13. Prepare **SICK REPORT**.
 - a. Indicate if member has accepted Administrative Return.

- MEMBER ON ADMIN. RETURN**
14. Notify command and Sick Desk at least two (2) hours before scheduled return to duty if unable to report due to continuation of illness.

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- SUPERVISORY MEMBER**
15. Direct member on Administrative Return who is unable to report for duty as scheduled to visit district surgeon at next office hours.
 16. Notify Sick Desk to cancel Administrative Return.

NOTE *Member will continue on sick report (this counts as one [1] sick time).*

- SICK DESK MEMBER**
17. Notify the permanent and temporary commands of member reporting sick.
 - a. Have notification made by FINEST, if possible.
 - b. Inform member's command of scheduled appearances in court, Trial Room or other government agency.
 - c. Obtain name of supervisor notified if notification is made by telephone.

- SUPERVISOR RECEIVING SICK REPORT**
18. Telephone information on **SICK REPORT** to Sick Desk and obtain serial number for entry on **SICK REPORT**.
 - a. **SICK REPORT** will be kept at command and placed in member's personal folder when member returns to duty.
 19. Record information in **SICK LOG (PD429-143)** from FINEST Message.
 20. Make entry in Command Diary of any scheduled court appearance or other agency appearance, under date of scheduled appearance AND under date two (2) days prior to appearance date (exclusive of Saturday, Sunday or holidays).
 21. Make appropriate entry on pertinent roll calls and notify relieving desk officer if member is scheduled to perform duty with either of the next two (2) platoons.

REPORTING TO DEPARTMENT SURGEON:

- UNIFORMED MEMBER OF THE SERVICE**
22. Report to assigned district surgeon at next regular office hours if ineligible for, or declining, administrative return, EXCEPT:
 - a. Member designated Chronic Absent, Category B, will report to the Medical Division, Special Medical District, 1 Lefrak City, 16th Floor, Corona, New York 11368.
 - b. Member reporting sick on Friday or Saturday will report to Medical Division, 1 Lefrak City, 16th Floor, Corona, New York 11368, at 1000 hours the following day.
 - c. Member unable to travel will remain at place of confinement and phone assigned district surgeon or "weekend" surgeon during next office hours.
 - d. Member with dental problems will report to Medical Division, 1 Lefrak City, 16th Floor, Corona, New York 11368, Monday through Friday, 0700 to 1300 hours.

NOTE *When a member reporting sick informs the Sick Desk of inability to visit the surgeon, the Sick Desk supervisor will direct the sick member to notify the member's commanding officer of the fact. The commanding officer will make an entry on **ABSENCE AND TARDINESS RECORD (PD433-145)** under caption "Investigation-Interview" concerning the interview and probable date of visit to surgeon. When a member reports sick to assigned command, the supervisor accepting the sick report shall make required entries.*

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NOTE*(continued)*

Uniformed members of the service are NOT to bring their children to the District Surgeon's Office, out of consideration of the fact that children and uniformed members of the service present in the waiting room can be susceptible to illness.

COMMANDING OFFICER

23. Telephone member's district surgeon, in all cases, if member has been on sick report for five (5) workdays, ascertain estimated date of return, and enter information on **ABSENCE AND TARDINESS RECORD**.

PRINCIPAL ADMIN. ASSOCIATE IN PRECINCT/ OPERATIONS COORDINATOR

24. Telephone district surgeon to determine if member is capable of appearing at scheduled court appearance when member remains on sick report two (2) days prior to such scheduled appearance.
25. Notify member to appear if district surgeon approves and telephone Sick Desk of surgeon's determination.

ROLL CALL CLERK

26. Notify Criminal Court, Trial Room or other government agency and request adjournment, two (2) days before appearance date, if member unable to appear.

NOTE

If member reports sick on a scheduled appearance date, make immediate notification to court or other agency concerned.

27. Notify the court, if other than a Criminal Court, on the morning of the appearance date if the member is unable to appear.
28. Enter notifications to district surgeons, courts, etc., regarding scheduled appearances of members on sick leave in Telephone Record.

NOTE

A uniformed member on sick report whose condition changes after being directed to appear in court or before another agency thereby preventing a scheduled appearance, will notify the roll call clerk or desk officer/supervisor, as appropriate. The roll call clerk/ desk officer/supervisor will make required notifications.

UPON BEING DIRECTED TO RETURN TO DUTY BY A DEPARTMENT SURGEON:**UNIFORMED MEMBER OF THE SERVICE**

29. Immediately notify desk officer, by telephone, of time and date to report for duty.
- a. Include limitations, if any, on type of duty to be performed.

NOTE

A member of the service assigned to other than a patrol command shall notify a supervisory officer assigned to the command at the first available opportunity. The supervisory officer will document the notification as provided for by the commanding officer.

30. Report for duty when ordered.
31. Deliver **SICK REPORT RETURN (PD429-131)** and/or **ASSIGNMENT TO LIMITED CAPACITY (PD406-050)** to desk officer/supervisor upon return to duty.

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**DESK
OFFICER/
SUPERVISOR**

32. Make entry indicating member's return to duty:
 - a. In command Telephone Record upon receipt of telephone notification.
 - b. On other command records upon receipt of FINEST Message.

NOTE

Verify return of duty with Sick Desk supervisor, if FINEST Message has not been received and member has reported for duty.

**ADDITIONAL
DATA**

Uniformed members of the service, who have not been classified as chronic absent, or who have not been referred for supervision, and who have any of the following medical conditions, as per the police surgeon's diagnosis, will NOT be the subject of routine supervisory visits or telephone calls:

- a. Heart condition
- b. Broken limbs
- c. Post surgical convalescence
- d. Illnesses diagnosed by police surgeons as likely to be of a duration in excess of six (6) months, after conferral with Chief Surgeon
- e. Pregnancy.

A uniformed member of the service on sick leave in any of the above categories may be given a sixteen (16) hour pass. However, should the district surgeon determine that issuance of such a pass would adversely affect the member's health or impede the member's recovery, such pass may be reduced accordingly. Once the pass is issued, it shall not be revoked unless the member:

- a. Engages in activities which would tend to prolong or aggravate the disability
- b. Fails to cooperate with a surgeon or the Commanding Officer, Medical Division
- c. Fails to comply with orders or directions or violates any provision of the Patrol Guide relative to sick leave abuse.

A uniformed member of the service whose medical condition is NOT listed in paragraph 1, subdivisions "a" through "e" above, may also be granted permission to leave his residence while on sick report for a period of time as determined by the district surgeon. Prior to granting such permission, the surgeon must certify that:

- a. The member is unable to perform in a restricted duty status
- b. It will not adversely affect the member's health
- c. It will not prolong or impede the member's return to duty.

The permission granted may be revoked at any time by the Commanding officer, Medical Division, or designee, upon appropriate notice to the member and the district surgeon concerned.

In case of serious need or emergency, a uniformed member may request permission to leave his residence at a time other than that specified by the district surgeon. Such request should be directed to the Sick Desk supervisor. In addition, requests to leave residence to obtain medical services, food, household necessities or church attendance, voting, etc., are routinely granted by the Sick Desk supervisor at times other than that specified by the district surgeon. Permission to leave residence should be denied or revoked only if a violation of the guidelines takes place or if activities requested would hinder recovery. The Sick Desk shall notify the district surgeon at the next office hours, when such permission is granted, to ensure that leaving residence is not inconsistent with the member's medical condition and/or had not previously been denied by the surgeon. District surgeons are responsible for notifying the Chief Surgeon and Commanding Officer, Medical Division, of the identities of members granted:

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**ADDITIONAL
DATA**
(continued)

- a. Non-supervisory privileges
- b. Permission to leave his/her residence on specific dates and times which will be indicated on **PERMISSION TO LEAVE RESIDENCE WHILE ON SICK REPORT (PD429-051)**, a copy of which will be given to the sick member.

*A uniformed member of the service on sick leave may not leave the confines of the City or residence counties without the approval of the Chief of Personnel. Request for such permission is made through the member's district surgeon on **ABSENCE FROM CITY WHILE ON SICK LEAVE (PD429-161)**. Members will be contacted on a weekly basis by their district surgeon during absence from residence counties.*

A uniformed member of the service on terminal leave may not be placed on sick report unless sickness or injury is the result of line of duty action while on terminal leave.

Uniformed members of the service will not be permitted to report sick with a self-claimed diagnosis of "old line of duty" for his or her absence. Designation of "old line of duty" for a specific sick event will be granted only upon examination and interview of the requesting member by a district surgeon. This will in no way hinder a member's ability to report sick. It merely places the determination, and subsequent approval or disapproval of "old line of duty" designation, within the purview of a medical specialist.

It is the policy of this Department that uniformed members of the service will not be considered for promotion from civil service lists or granted credit for investigatory time unless they are on full duty status. Exceptions to this policy may be made in certain cases where members are on less than full duty status. Specifically, any member with a medical condition that has caused removal from full duty status, prior to the time of promotion, and the medical condition is known to be of limited duration or has a high probability of being of limited duration, will be considered for promotion. The Supervising Chief Surgeon will determine the medical status. The Chief of Personnel shall make the final determination on whether a member of the service will be promoted, subject to the Police Commissioner's approval.

**RELATED
PROCEDURES**

*Pregnancy Leave For Uniformed Members Of The Service (P.G. 205-27)
Absence Control (A.G. 318-12)
Chronic Absence Control Program (A.G. 318-13)*

**FORMS AND
REPORTS**

ABSENCE FROM CITY WHILE ON SICK LEAVE (PD429-161)
ABSENCE AND TARDINESS RECORD (PD433-145)
ASSIGNMENT TO LIMITED CAPACITY (PD406-050)
PERMISSION TO LEAVE RESIDENCE WHILE ON SICK REPORT (PD429-051)
SICK LOG (PD429-143)
SICK REPORT (PD429-122)
SICK REPORT RETURN (PD429-131)